

## **REMARKS**

Claims 1, 2 and 4-11 are pending in the above-identified application. Claim 3 has been incorporated into claim 1. Support for new claims 4-11 is found on pages 3-5 of the present specification.

### **Removal of Rejections under 35 USC 102(b)**

Claims 1 and 2 have been rejected under 35 USC 102(b) as being unpatentable over Tsunoda '396 (USP 6,300,396).

Claims 1-3 have been rejected under 35 USC 102(b) as being unpatentable over JP '801 (JP Published Application No. 3021801).

The grounds for the above-noted anticipation rejections have been removed, since the claims of the present application have been amended to be directed to a pneumatic tire having a base tread formed from the rubber composition of the present invention. Tsunoda '396 is not directed to a pneumatic tire with a base tread, but rather is directed to a rubber composition for a guide lug of a rubber track. JP '801 is directed to a tire having the disclosed rubber composition in the "cap portion in the tread part having [a] cap-base structure", as noted in the English language version of the abstract thereof. JP '801 fails to disclose the use of the described rubber composition in the base portion of the tread, as recited in the present claims. Further, JP '801 fails to recognize problems associated with increased abrasion resistance that arise when the described composition is used in the cap portion of the tread as noted at page 5, lines 8-11 of the present specification. Consequently, the grounds for each of the above-noted rejections have been removed, such that these rejections should be withdrawn.

### **Issues under 35 USC 103(a)**

Claims 1-3 have been rejected under 35 USC 103(a) as being unpatentable over Masson '883 (USP 3,842,883). This rejections is traversed for the following reasons.

Masson '883 discloses radial-ply tires which include a rubber strip of high modulus of elasticity applied to the sides of the carcass over part only of the radial dimension or height of the tire as shown by element 19 in the figure and as described at column 2, line 44 to column 3, line 8.

Masson '883 fails to disclose or suggest the use of the described "rubber strip" having the described properties as a "base tread" portion of a tire as in the present invention. Masson '883 provides no suggestion to move the rubber strip 19 from the sidewall portion to the tread portion of the tire. Masson '883 also fails to suggest a "base tread" type of tire structure for the composition employed as the described rubber strip 19. Masson '883 further fails to recognize the advantages achieved by the tire of the present invention having the claimed rubber composition employed as a base tread as evidenced by the comparative test results summarized at pages 8-9 of the present specification. Note that Examples 1-3 (present invention) exhibit advantageously improved tear propagation properties, lightweight tire properties and/or steering stability properties over the corresponding properties of Comparative Examples 1-3. Thus, even hypothetically assuming that Masson '883 provides a basis for alleging *prima facie* obviousness, such obviousness has been rebutted by this evidence of comparative test results. Therefore, it is requested that the above-noted rejection be withdrawn.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By \_\_\_\_\_

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